

Fred Horne
MLA for Edmonton Rutherford
Chair of the Standing Committee
on Health
801 Legislature Annex,
9718-107 Street,
Edmonton, AB T5K 1E4

Dear Chair Horne:

The Alberta Chambers of Commerce (ACC) appreciates the opportunity the Standing Committee on Health is offering to address Bill 52, the *Health Information Amendment Act*.

As we explain in the enclosed submission, our federation of 124 chambers, which collectively represent 22,000 Alberta businesses, is concerned that, as written, this legislation could place a legal onus on employers to become custodians of their employees' health information.

As a follow-up to our written presentation, ACC requests an opportunity to present our concerns in person to the Standing Committee on Health as this kind of forum will allow us to engage in a more in-depth discussion about our recommendation for amending Bill 52.

Sincerely,



Jack Grant, BComm, MBA, CA
Chair



Ken Kobly, FCGA
President and CEO

Encl.



**Submission to Standing Committee on Health:
Bill 52, the *Health Information Amendment Act***

The Alberta Chambers of Commerce (ACC) recognizes the value of developing an electronic health system in Alberta. We also understand that to create an effective system, health information must be collected and integrated into Alberta Netcare, and that Bill 52, the *Health Information Amendment Act*, will facilitate the handling of this information.

Our concern with Bill 52 is that it could oblige employers to act as “custodians” of health information and authorize them to collect, use, and disclose employee health information if they possess detailed employment records, provide staff with health and wellness programs, or conduct alcohol and drug testing programs.

One of the intentions of the proposed legislation is to bring privately funded providers of health services into the custodial arena. While ACC believes this goal is an appropriate one because it would fill a key health information gap, some members of the business community are concerned employment records could qualify as health information, and they could be named as legal guardians of it.

Making employers “custodians” of health information could strain employer-employee relationships. It could also expose employers to fines of up to \$500,000 for non-compliance with requests for health information by the minister.

Furthermore, as employee records are already subject to the *Personal Information Protection Act*, compliance with the amended *Health Information Act* could result in non-compliance with other legislation. The resulting ambiguity in the legal framework surrounding the employer-employee relationship will almost certainly lead to litigation, thus creating unwanted tension in labour relations, and driving up the costs of doing business in Alberta.

Recommendation: Explicitly exclude employee health records as health information.